



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/075,964 | 02/13/2002 | Duncan Kerr | APL1P215/P2698 | 9251 |

22434 7590 09/21/2005

BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER

TON, ANABEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/075,964 | KERR, DUNCAN | |
| | Examiner | Art Unit | |
| | Anabel M. Ton | 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20,22-31,34-51,56-74 and 76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-31,34-51,56-74 and 76 is/are allowed.
- 6) ☒ Claim(s) 1,3-11,18-20,22,23,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 12-17 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1,3-11,18-20,23,27,28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3- 11,18-20,23,27,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson (6,476,726).
3. Pederson discloses a computing device (50) having an illuminable housing (498) capable of being illuminated by light the housing being configured to enclose internal components associated with the operation of the computing device and a controllable light emitting device disposed inside the illuminable housing (308), the light emitting device being configured to produce an adjustable light effect for colorizing or patternizing the illuminable housing (abstract, col. 20 lines 29-45). With regards to the statement "in order to significantly alter the ornamental appearance of the housing of the computer device", It would have been obvious to one of ordinary skill in the art at the

time the invention was made to use the light effect emitted by the light sources of Pederson in order to significantly alter the ornamental appearance of the housing of the computer device, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

- The light emitting device includes a light source configured to generate light so as to illuminate the interior of the illuminable housing;
- The source includes at least one light emitting diode;
- The light source includes a plurality of light emitting diodes;
- Each of the light emitting diodes emit the same color of light
- Each of the light emitting diodes emit individually different colors of light;
- The light emitting diodes cooperate to produce a light effect having a single color
- The light emitting diodes produce a light effect having a plurality of colors;
- The light emitting diodes are integrated into a light emitting diode array
- The light emitting diode array includes blue red and green emitting diodes
- A reflector for redirecting the light to locations within the housing (towards the front of the housing)
- The light emitting device further comprises a light source controller in communication with the light source (52) said light source controller configured to process light commands to produce the light in a controlled manner via the light source;

Art Unit: 2875

- With regards to the housing wall being “capable of “ producing a characteristic glow at the outer periphery of the housing wall when the light is transmitted through the housing wall, the applicant is advised that it has been held that the recitation that an element is “capable of” performing a function is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.
- The illuminable housing is configured to cover and to protect the internal components;
- The internal components comprise a processor (52);
- The light effect is static or dynamic

Allowable Subject Matter

4. Claims 29-31,34-51,56-74,76 are allowed.
5. Claims 12-17,24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach an illuminable housing, a controllable light emitting device disposed inside the illuminable housing, the light emitting device being configured to produce an adjustable light effect for colorizing or patternizing the

Art Unit: 2875

illuminable housing in order to significantly alter the ornamental appearance of the housing of the general purpose computer.

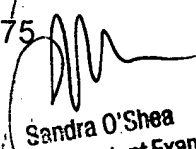
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMT

Anabel M Ton
Examiner
Art Unit 2875


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

Application/Control Number: 10/075,964
Art Unit: 2875

Page 6